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Fifty-eighth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0020104604*

ENG

The Situation in the Democratic Republic of the Congo

1. The human rights situation in the Democratic Republic of the Congo (DRC) has continued to deteriorate severely since the 57th session of the UN Commission on Human Rights, partly because the war that begun in August 1998 persists. The peace process, with its call for inter-Congolese dialogue as part of the Lusaka cease-fire agreement, and the deployment of a Phase III of the UN observer mission in Congo (MONUC) has done nothing to change the situation.

2. The slow progress of inter-Congolese political negotiations, ongoing fighting, particularly in the North-East of the DRC, delayed withdrawal of foreign forces, and disconcerting information on the continued buildup of armed troops cause concern over an increase in the fighting and in massive human rights violations.

3. The report presented to the UN General Assembly by Ms. Iulia A. Motoc, Special Rapporteur on the human rights situation in the DRC, as well as her current report to the 58th session, corroborate the analyses of several Congolese human rights organizations, our partners in the DRC.

4. The civil and political rights situation is as dramatic in the government-controlled territories as in those occupied by the RCD, MLC, and RCD-ML rebel forces supported by Rwanda and Uganda.

- Resistance and civil disobedience by the population of South and North Kivu to the Rwandan and Ugandan occupation forces are continually repressed through incessant harassment of leaders of the church and other civil society organizations, arbitrary arrests, even forced disappearances and arbitrary executions, as well as terror tactics in rural areas;
- The Kinshasa government persists in maintaining a military court criticized by human rights organizations because it tries both military personnel and civilians, and applies the death sentence in the form of summary executions;
- The Kinshasa government continues its practice of arbitrary arrests and arbitrary obstacles to freedom of movement for certain political or civil-society leaders. This is true despite the welcome liberation of several political prisoners and prisoners of conscience, as well as formal measures aimed at liberalizing the political arena.

5. Overall, economic and social rights are not respected. The social and economic situation remains catastrophic throughout the country. In government-controlled territory, the scant resources available are unfortunately channeled toward the war effort. Workers' salaries are not paid regularly, the cost of living has increased, health care services are inaccessible, public health care infrastructure facilities are obsolete and far from universal. The infant mortality rate has increased due to malnutrition and lack of treatment for mild diseases. Endemic diseases have cropped up again in areas where they were previously under control. There has been a recorded increase in the spread of HIV and AIDS cases. The school system no longer operates at full capacity.

6. The occupied territories have witnessed the appearance of a parallel tax system, as well as a system of organized pillaging of natural and economic resources by smuggling networks. According to Congolese organizations, whose statements have been corroborated by the recent report of UN experts on illegal exploitation of natural resources, these new networks profit neither the population of the DRC nor the populations of neighbouring countries involved in the war. The wartime economy only profits a handful of civilian and military individuals who control the new smuggling rings while the war lasts.

7. Hundreds of thousands of persons have been displaced by the war to areas that are inaccessible to humanitarian organizations. The fields are neither cultivated nor maintained, and foodstuffs are not sent to population centres. This has led a number of international humanitarian organizations coordinated by the UN to define the situation as a humanitarian catastrophe in several areas of the country.

8. Human rights organizations are of the opinion that the war crimes and crimes against humanity, as well as the violations of international humanitarian law committed during this war result partly from the tacit impunity granted by the international community to those who committed and ordered massive violations and crimes during the AFDL (Alliance des forces démocratiques pour la libération du Congo) war of 1997-98.

9. At its 57th session, the UN Commission on Human Rights nevertheless reappointed an International Commission of Inquiry made up of three members, the Special Rapporteur for the DRC, the Special Rapporteur on Extrajudicial Executions, and a member of the Working Group on Forced Disappearances. However, the Commission has made no progress in its inquiry given the situation of ongoing war.

RECOMMENDATIONS

Rights & Democracy requests that the Commission on Human Rights:

1. Renew the mandate of the Special Rapporteur for the Democratic Republic of the Congo;

2. Reiterate the mandate of the International Commission of Inquiry into massive violations in DRC during the 1996-97 war, provided for in Commission on Human Rights resolution 2001/19, extending it to cover massive human rights violations and crimes against humanity committed during the current war, particularly in the provinces of South Kivu, North Kivu and the eastern province, with the aim of bringing the perpetrators to justice;

3. Contemplate having the United Nations Security Council set up an ad-hoc international criminal tribunal for the DRC.